

Case 8:14-cv-00493-JLS-JPR Document 1 Filed 04/01/14 Page 1 of 5 Page ID #:1

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BENNIE-LYNNE FLORES

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BENNIE-LYNNE FLORES,)	Case No.:
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
)	
ADMIN RECOVERY, LLC; DOES 1)	(Unlawful Debt Collection Practices)
through 10, inclusive,)	
)	Demand Does Not Exceed \$10,000
Defendants.)	

COMPLAINT

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Bennie-Lynne Flores, an individual consumer, against Defendant, Admin Recovery, LLC, for violations of the law, including, but not limited to, violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

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II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business here.

III. PARTIES

3. Plaintiff, Bennie-Lynne Flores, is a natural person with a permanent residence in Brea, Orange County, California 92821.

4. Upon information and belief, the Defendant, Admin Recovery, LLC, is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 25 Earhart Drive, Buffalo, Erie County, New York 14221. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

7. On or about July 30, 2013, Defendant, in connection with the collection of the alleged debt, communicated with Plaintiff’s mother, who is not a co-signer on the alleged debt, and the communication was not in a manner covered by §1692b of the FDCPA.

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2 8. The natural consequences of Defendant's statements and actions were to
3 unjustly condemn and vilify Plaintiff for her non-payment of the debt she allegedly
4 owed.

5 9. The natural consequences of Defendant's statements and actions were to
6 produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

7 10. The natural consequences of Defendant's statements and actions were to
8 cause Plaintiff mental distress.

9 11. Defendant utilized unfair and unconscionable means to collect on Plaintiff's
10 alleged debt, by contacting a third party and disclosing the alleged debt.

11 **V. 1st CLAIM FOR RELIEF**

12 12. Plaintiff repeats and realleges and incorporates by reference to the foregoing
13 paragraphs.

14 13. Defendants violated the FDCPA. Defendants' violations include, but are not
15 limited to, the following:

16 (a) Defendant violated §1692c(b) of the FDCPA by communicating
17 with a third party in connection with the collection of the alleged
18 debt without the consent of the Plaintiff and the contact was not in
19 a manner covered by §1692b of the FDCPA; and

20 (b) Defendant violated §1692d of the FDCPA by engaging in conduct
21 the natural consequences of which is to harass, oppress, or abuse
22 any person in connection with the collection of an alleged debt;
23 and

24 (c) Defendant violated §1692f of the FDCPA by using unfair or
25 unconscionable means in connection with the collection of an
alleged debt.

1 14. Defendant's acts as described above were done intentionally with the
2 purpose of coercing Plaintiff to pay the alleged debt.

3 15. As a result of the foregoing violations of the FDCPA, Defendant is liable to
4 the Plaintiff, Bennie-Lynne Flores, for declaratory judgment that Defendant's
5 conduct violated the FDCPA, actual damages, statutory damages, and costs and
6 attorney fees.

7 ***VI. 2nd CLAIM FOR RELIEF***

8 16. Plaintiff repeats and realleges and incorporates by reference to the foregoing
9 paragraphs.

10 17. Defendant violated the RFDCPA. Defendant's violations include, but are
11 not limited to the following:

12 (a) Defendant violated §1788.17 of the RFDCPA by being a debt
13 collector collecting or attempting to collect a consumer debt that is
14 not compliant with the provisions of Sections 1692b to 1692j of
15 the FDCPA, the references to federal codes in this section referring
16 to those codes as they read as of January 1, 2001.

17 18. Defendant's acts as described above were done intentionally with the
18 purpose of coercing Plaintiff to pay the alleged debt.

19 19. As a result of the foregoing violations of the RFDCPA, Defendant is liable
20 to the Plaintiff for actual damages, statutory damages, and costs and attorney fees.

21 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered against
22 Defendant, Admin Recovery, LLC, for the following:

- 23 A. Declaratory judgment that Defendant's conduct violated the FDCPA and
24 RFDCPA.
25 B. Actual damages.
C. Statutory damages.

1 D. Costs and reasonable attorney fees.

2 E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be
3 allowed under the law.

4 F. For such other and further relief as the Court may deem just and proper.

5 **VII. DEMAND FOR JURY TRIAL**

6 Please take notice that Plaintiff, Bennie-Lynne Flores, demands trial by jury in this
7 action.

8 RESPECTFULLY SUBMITTED,

9 DATED: March 28, 2014

10 **PRICE LAW GROUP APC**

11 By: /s/ G. Thomas Martin, III
12 G. Thomas Martin, III
13 *Attorney for Plaintiff*
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